

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**(Single Bench : Hon'ble Shri Justice Ram Prasanna Sharma)****MCRC No. 5107 of 2017**

- Sonu Sonkar S/o Shri Chhote Lal Sonkar Aged About 20 Years R/o Village Kadul, Police Station Mujgahan, Tahsil And District Raipur Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Sejbahar, District Raipur Chhattisgarh.

---- Respondent

For applicant	:	Mr. M.K. Bhaduri, Advocate.
For respondent/State.	:	Mr. Luv Sharma, Panel Lawyer

Oral order

(Passed on 20-11-2017)

1. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 7-4-2017 in connection with Crime No. 77 of 2017 registered at Police Station Sebbahar, Raipur (CG), for the offence punishable under Sections 363, 366, 376 read with Section 511 of the IPC, 456 and 323 read with Section 34 of the IPC and Sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
2. The case of the prosecution, in brief, is that the applicant along with other co-accused committed kidnapping the prosecutrix with intent to commit sexual intercourse with her and committed attempt to rape and then again committed sexual harassment of the prosecutrix who is a child aged 13 years and thereby he committed the aforesaid offence.

3. Learned counsel appearing for the applicant submits that the applicant has not kidnapped the prosecutrix, there is no evidence of rape and he is in custody for last about 7 months, therefore he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. From the first information report, the statements recorded under Sections 161 and 164 of Cr.P.C. of the prosecutrix and other relevant documents, *prima facie*, there is a case against the present applicant that he attempted to commit rape on prosecutrix by throwing her forcefully on the ground and by removing her undergarments.
7. Looking to the material collected against the present applicant and considering the age of the prosecutrix, this court is of the view that *prima facie* it is not a fit case where the applicant can be released on bail.
8. Accordingly, the application of the applicant for grant of bail is rejected.

Sd/-

(Ram Prasanna Sharma)
Judge

Raju